IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5843 of 1987

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SATYANARAYAN VIDYALAYA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5843 of 1987

MR GIRISH PATEL for Petitioner No. 1

MR MP PRAJAPATI for Petitioner No. 1

MR RM DESAI for Respondent No. 1

MR AD OZA for Respondent No. 2

MR AJ PATEL for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 13/10/2004

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution of India the petitioner has challenged the grant-in-aid policies of the Government of Gujarat dated 20th June 1987 and 3.7.1987 and has also prayed for an

appropriate order restraining the respondent Government and the Board from enforcing, implementing or taking any action in pursuance of the aforesaid policy.

2. Today when the matter is called out for final hearing, Shri M.P. Prajapati, ld. advocate appearing on behalf of the petitioner has relied upon the judgment and order passed by this Court dated 24th April 2000 in SCA No. 5929 of 1987, 5930 of 1987 and 5931 of 1987. He has also relied upon one another judgment and order dated 31.7.2000 passed by this Court in S.C.A. No. 5506 of 1990. He has submitted that the very Government policy and the Resolution dated 20th June 1987 was under challenge and this Court has partly allowed the aforesaid Special Civil Application No. 5931 of 1987 by making suitable observations. It is also further submitted that relying upon the judgment and order passed in Special Civil Application No. 5931 of 1987, the learned Single Judge of this Court has also passed order in S.C.A. No. 5929 of 1987 relegating the petitioner to make a representation to the respondent authority and the authority was directed to consider the same as expeditiously as possible in light of the observations made in S.C.A No. 5931 of 1987. The facts of the present Special Civil Application or that of S.C.A. No. 5931 of 1987 and SCA No. 5929 of 1987 are similar and which are not disputed by Shri Dipen A. Desai, learned AGP appearing on behalf of the respondent. In that view of the matter, this Special Civil Application is partly allowed. If the petiitoner makes a representation to the respondent authority within the period of one month from today the authority shall decide the same as expeditiously as possible preferably within 3 months from the date of receipt of this representation in light of the observations made by this Court in judgment and order passed in SCA No. 5931 of 1987. It will be open for the petitioner to annex a copy of the judgment and order passed by this Court in SCA No. 5931 of 1987 along with their representation.

3. Rule is made absolute to the aforesaid extent with no order as to costs. The Office is directed to annexe a copy of the judgment and order passed in Special Civil Application No. 5931 of 1987 dated 30th March 2000 as part of this judgment in the present Special Civil Application also. Direct service is permitted.

rmr. [M.R. Shah, J.]